SOUTHERN DISTRICT OF NEW YORK		
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	:	
UNITED STATES OF AMERICA,	:	
	:	
-V-	:	09-CR-157-1 (JMF)
	:	
HECTOR DOMINGUEZ-GABRIEL,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
	X	

JESSE M. FURMAN, United States District Judge:

Defendant Hector Dominguez-Gabriel, sentenced in 2011 by the Honorable Robert P. Patterson to 240 months' imprisonment following his conviction after trial of conspiring to commit money laundering and to import and distribute controlled substances, has filed a *pro se* motion, pursuant to 18 U.S.C. § 3582(c)(1)(A), for compassionate release in light of the COVID-19 pandemic. *See* ECF No. 149. Dominguez-Gabriel concedes that he has not yet exhausted his administrative remedies. *See id.* at 2. Instead, he argues that exhaustion should not be required under the current circumstances. *See id.* at 2-3.

This Court has held that it lacks authority to disregard the administrative exhaustion requirement in Section 3582(c)(1)(A)(i), absent waiver of the requirement by the Government. *See United States v. Roberts*, No. 18-CR-528-5 (JMF), 2020 WL 1700032, at *2-3 (S.D.N.Y. Apr. 8, 2020). Accordingly, no later than **May 26, 2020**, the Government shall file a letter indicating whether it agrees to waive the exhaustion requirement in this case. If it does not waive the requirement, the motion will be denied without prejudice to renewal after Dominguez-Gabriel has exhausted his administrative remedies. If the Government does waive the requirement, the Government shall file any opposition to Dominguez-Gabriel's motion by **May 29, 2020**, and Dominguez-Gabriel shall file any reply by **June 8, 2020**.

The Clerk of Court is directed to mail a copy of this Order to Dominguez-Gabriel at the following address:

Reg. No. 86202-004 CI North Lake P.O. Box 1500 Baldwin, MI 49304

SO ORDERED.

Dated: May 18, 2020

New York, New York

JESSE M. FURMAN Inited States District Judge